

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MINNESOTA**

In re: Baycol Products Litigation

UNITED STATES OF AMERICA *ex rel.*
LAURIE SIMPSON,

Honorable Michael J. Davis
United States District Court Judge

Plaintiff,

v.

BAYER HEALTHCARE
PHARMACEUTICALS, INC.;
BAYER CORP.; and
BAYER A.G.,

MDL No. 1431
Civil No. 08-5758(MJD)(SER)

Defendants.

JOINT STATUS REPORT

In accordance with the Court's January 18, 2019 Order (ECF No. 178), Relator Laurie Simpson ("Relator") and Defendants Bayer Healthcare Pharmaceuticals, Inc., Bayer Corp., and Bayer A.G. ("Bayer") (together, the "Parties"), respectfully submit the following joint status report.

Since the last Joint Status Report on July 16, 2019, the Parties have continued to make progress regarding discovery in this matter. Specifically, the Parties have agreed on the custodians, search terms, and date restrictions that Bayer will use to respond to Relator's Second Request for Production of Documents. Bayer has begun reviewing documents that are potentially responsive to Relator's Second Request for Production and plans to make rolling productions of responsive documents. Bayer will also serve its First Request for Production of Documents on Relator in the near term.

The Parties also wish to seek clarification from the Court regarding the trial ready date provided in the Scheduling Order; specifically, whether the trial ready date should be April 30, 2021 (rather than April 30, 2020) in light of the dispositive motion deadline of December 30, 2020, which is the Parties' understanding (ECF No. 177).

Aside from this clarification, the Parties do not believe that there are any discovery issues that require the Court's intervention. The Parties are available if the Court wishes to discuss the status of discovery at the conference scheduled for August 27, 2019. But in light of the foregoing, the Parties believe that the status conference may be postponed until September 24, 2019.

Dated: August 20, 2019

Respectfully submitted,

KESSLER TOPAZ
MELTZER & CHECK LLP
/s/ Asher Alavi

Asher Alavi
aalavi@ktmc.com
David Bocian
dbocian@ktmc.com
280 King of Prussia Road
Radnor, PA 19087
(484) 270-1402

Counsel for Relator Laurie Simpson

Respectfully submitted,

BARTLIT BECK HERMAN
PALENCHAR & SCOTT LLP
/s/ Adam Hoeflich

Philip S. Beck
Adam Hoeflich
54 W. Hubbard Street, Suite 300
Chicago, IL 60603
(312) 494-4400

SIDLEY AUSTIN LLP
/s/ Kristin Graham Koehler
Kristin Graham Koehler (*pro hac vice*)
kkoehler@sidley.com
Ryan C. Morris (*pro hac vice*)
rmorris@sidley.com
Joshua J. Fougere (*pro hac vice*)
jfougere@sidley.com
Matthew J. Letten (*pro hac vice*)
mletten@sidley.com
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000

DORSEY & WHITNEY LLP

/s/ John Marti

John Marti (#0388393)

marti.john@dorsey.com

Alex P. Hontos (#0388355)

hontos.alex@dorsey.com

Caitlin L.D. Hull (#0398394)

hull.caitlin@dorsey.com

50 South Sixth Street, Suite 1500

Minneapolis, MN 55402

(612) 340-2600

Counsel for Defendants Bayer

Corporation, Bayer AG, and

Bayer Healthcare Pharmaceuticals, Inc.

CERTIFICATE OF SERVICE

I certify that on August 20, 2019, the foregoing document was served this day on all counsel of record via CM/ECF.

/s/ Caitlin L.D. Hull